

OCT 03 2005

**Quarles & Brady**  
**Streich Lang LLP**Renaissance One  
Two North Central Avenue  
Phoenix, Arizona 85004-2391  
602.229.5200  
Fax 602.229.5690  
www.quarles.comAttorneys at Law in  
Milwaukee and Madison, Wisconsin  
Naples and Boca Raton, Florida  
Phoenix and Tucson, Arizona  
Chicago, Illinois

SEP 11 17

**Facsimile Transmission Form**

Date: October 3, 2005

<b>To:</b>	<b>Fax No.</b>	<b>Phone No.</b>
Name Company/Firm City, State Zip Country	U.S. Patent and Trademark Office Examiner: Fetsum Abraham, Art Unit 2826 <b>571-273-8300</b>	

<b>From:</b>	Robert D. Atkins	602-229-5690	602-229-5311
<b>Re:</b>	USSN: 10/828,773		

**Message:**

IF YOU HAVE PROBLEMS RECEIVING THIS FACSIMILE, PLEASE CALL US IMMEDIATELY AT:  
**602.229.5361**

No. of Pages (Including Cover): <u>11</u>	Job Code: _____	
Client - Matter No.: <u>112518.00005</u>	Time Keeper: <u>RATKINS</u>	
Recipient: <u>U.S. Patent and Trademark Office</u>	Return To:	<u>MONEILL</u>
Requestor Name: _____	Phone No.: _____	

IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND/OR CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA REGULAR POSTAL SERVICE. THANK YOU.

**BEST AVAILABLE COPY**

1 decedent. As Personal Representative, you have the authority to manage the estate  
2 assets, but you must manage the estate assets for the benefit of those interested in  
the estate.

3 **2. FIDUCIARY DUTIES.** As Personal Representative you are a fiduciary. This  
4 means you have a legal duty of undivided loyalty to the beneficiaries and the  
5 creditors of the estate. You must be cautious and prudent in dealing with estate  
6 assets. As Personal Representative, the estate assets do not belong to you and must  
7 never be used for your benefit or mixed with your assets or anyone else's assets.  
Arizona law prohibits a Personal Representative from participating in transactions  
that are a conflict of interest between you, as Personal Representative, and you as  
an individual. Other than receiving reasonable compensation for your services as  
Personal Representative, you may not profit from dealing with estate assets.

8 **3. PROVIDE NOTICE OF APPOINTMENT.** Within thirty (30) days after your  
9 appointment as Personal Representative, you must mail notice of your appointment  
10 to the heirs and devisees whose addresses are reasonably available to you. If your  
11 appointment is made in a formal proceeding, you need not give notice to those  
12 persons previously noticed of a formal appointment proceeding. See A.R.S. § 14-  
13 3705. Although the law gives you thirty days to mail this notice, you will read in  
14 paragraphs 4 and 5 below that other notices must be mailed within ten (10) days of  
15 your appointment or admission of the will to probate. **RATHER THAN WAIT  
THIRTY DAYS TO GIVE THIS NOTICE OF YOUR APPOINTMENT, IT  
IS STRONGLY RECOMMENDED THAT YOU MAIL NOTICE OF YOUR  
APPOINTMENT TO THE HEIRS AND DEVISEES IN ONE MAILING  
WITHIN TEN DAYS ALONG WITH A COPY OF THIS ORDER TO  
PERSONAL REPRESENTATIVE AND, IF A WILL WAS ACCEPTED FOR  
PROBATE, THE NOTICE OF ADMISSION OF THE WILL TO  
INFORMAL PROBATE AND A COPY OF THE WILL.**

16 **4. PROVIDE NOTICE OF ADMISSION OF WILL TO PROBATE.** Within 10  
17 (ten) days of the Admission of the Will to informal probate, you must give written  
18 notice to all heirs and devisees of the Admission of the Will to probate, together  
with a copy of the Will. You must notify the heirs that they have 4 (four) months  
to contest the probate. See A.R.S. § 14-3306.

19 **5. MAIL COPIES OF THIS ORDER TO PERSONAL REPRESENTATIVE.**  
20 **WITHIN 10 DAYS OF YOUR APPOINTMENT, YOU MUST MAIL A COPY OF  
THIS ORDER TO PERSONAL REPRESENTATIVE AND  
21 ACKNOWLEDGMENT AND INFORMATION TO HEIRS, TO ALL THE HEIRS  
AND DEVISEES OF THE ESTATE, AND TO ANY OTHER PERSONS WHO  
22 HAVE FILED A DEMAND FOR NOTICE.**

23 **6. FILE PROOF OF COMPLIANCE.** Within 15 days of your appointment as  
24 Personal Representative, you must file with the Court a notarized statement  
25 swearing that a copy of this Order was mailed to each devisee, to each heir in  
intestate (no will) estates and to any other persons who have filed a demand for  
notice.

26 **7. PUBLISH NOTICE.** After your appointment as Personal Representative, you  
must publish a notice once a week for 3 consecutive weeks in a Maricopa County

newspaper of general circulation that announces your appointment as Personal Representative and tells creditors of the estate that unless they present their claims against the estate within the prescribed time limit, the claims will not be paid. In addition, you must mail a similar notice to all persons you know are creditors. See A.R.S. § 14-3801.

8. **PROTECT ASSETS.** You must immediately find, identify, and take possession of the estate assets and make proper arrangements to protect them. See A.R.S. § 14-3709. All property must be retitled to show ownership in the name of the estate such as "Estate of (decedent's name), your name, as Personal Representative." Do not put the estate assets into your name, anyone else's name, joint accounts, trust accounts ("in trust for"), or payable on death ("POD") accounts. Do not list yourself or any other person as joint owner or beneficiary on any bank accounts or other assets belonging to the estate. Do not mix any estate assets with your own assets or anyone else's assets.

If your authority as Personal Representative has been limited by the Court, you must promptly protect the estate assets as ordered, and file a Proof of Restricted Assets with the Court. You may not sell, encumber, distribute, withdraw or otherwise transfer restricted assets without first obtaining permission from the Court.

9. **DETERMINE STATUTORY ALLOWANCES:** It is your responsibility to determine whether any individuals are entitled to statutory allowances under A.R.S. § 14-2402, 2403, and 2404. Statutory allowances include a homestead allowance, exempt property allowance, and a family allowance.

10. **INVENTORY ASSETS.** Within ninety (90) days after your appointment as Personal Representative, you must prepare an inventory or list of the decedent's probate assets and their values as of the date of death. See A.R.S. §14-3706. The inventory must be either (1) filed with the Court and mailed to all interested persons who request it, or (2) not filed with the court, but mailed to all heirs, devisees, and other interested persons who have requested it.

11. **STANDARD OF CARE.** In administering estate assets, you must observe the standards of care applicable to a trustee, including the prudent investor act. See A.R.S. §§14-7301 et. seq., and 14-7601 et seq.

12. **KEEP DETAILED RECORDS.** You must keep detailed records of all receipts and expenses of the estate. You are required to provide an accounting of your administration of the estate to all persons affected by the administration. See A.R.S. §14-3933.

13. **PAY VALID DEBTS AND EXPENSES.** You must determine which claims and expenses of the estate are valid and should be paid. You must provide to any creditor whose claims are not allowed prompt written notification that they will not be paid or will not be paid in full. See A.R.S. §14-3806. To the extent there are enough assets in the estate, you are responsible for the payment of any estate debts and/or expenses you know about or can find out about. If there are not enough estate assets to pay all debts and expenses that should not be paid.

- 1 14. **PAY TAXES.** It is your responsibility to determine that all taxes are paid and that  
2 all tax returns for the decedent and the estate are prepared and filed.
- 3 15. **DISTRIBUTE REMAINING ASSETS.** After payment of all debts and expenses  
4 of the estate, you must distribute estate assets as directed in the Will or, if there is  
5 not a Will, to the intestate heirs. If there are not enough assets in the estate to make  
6 the gifts as set forth in the Will, it is your responsibility to determine how to  
7 distributions should be made as required by law. See A.R.S. §§14-3902 and 14-  
8 3907. You may be personally liable if you make an improper distribution of estate  
9 assets.
- 10 16. **CHANGE OF ADDRESS.** Until the probate is closed and you are discharged as  
11 Personal Representative, you must notify the Court in writing if you change your  
12 home or mailing address.
- 13 17. **PAYMENT AS PERSONAL REPRESENTATIVE.** As Personal Representative,  
14 you are entitled to reasonable compensation. See Maricopa County Local Rule 5.7.  
15 Arizona statutes do not designate percentage fees for your work or say how much  
16 a Personal Representative should be paid. You must keep receipts to prove out-of-  
17 pocket expenses. In determining whether a fee is reasonable, the following factors  
18 will be considered:
- 19 a. The time required (as supported by detailed time records), the novelty and  
20 difficulty of the issues involved, and the skill required to do the service  
21 properly;
  - 22 b. The likelihood that your acceptance as Personal Representative will  
23 preclude other employment;
  - 24 c. The fee normally charged in the area for similar services;
  - 25 d. The nature and value of estate assets, the income earned by the estate, and  
26 the responsibilities and potential liability assumed by you as Personal  
Representative;
  - e. The results obtained for the estate;
  - f. The time limitations imposed by the circumstances;
  - g. The experience, reputation, diligence and ability of the person performing  
the services;
  - h. The reasonableness of the time spent and service performed under the  
circumstances; and
  - i. Any other relevant factors.
18. **COURT INVOLVEMENT.** Usually, to reduce estate expenses, estates are  
administered and estate claims and expenses are paid, including the fees to the  
attorney and Personal Representative, with little Court involvement. The Court does  
not supervise informal probates or the conduct of a Personal Representative.

DYER & FERRIS  
3550 North Central  
Suite 1801  
Phoenix, AZ 85004-1449  
(602) 254-6008

Prentice, Leonard  
LAK/sjh August 29, 2005  
F:\WORDPERF\CLIENT\PRENTICE\PermanentPleadings\Informal pleadings.wpd

Page - 6 -

BEST AVAILABLE COPY

However, if any party believes that the estate has not been properly handled or that the fees charged by the attorney or Personal Representative are not reasonable under the circumstances, that party may request that the Court review the accounting for the Personal Representative's administration of the estate. Any additional Court involvement may result in additional delay and expenses. If appropriate, the Court may assess the additional expense against the estate or the nonprevailing party.

**19. CLOSE THE ESTATE.** After distribution of the estate has been completed, the estate must be closed, either formally or informally. In an informal closing, a copy of the Closing Statement is filed with the Court and must be sent to all persons receiving a distribution from the estate. See A.R.S. § 14-3933. For a formal closing, see A.R.S. §§ 14-3931 and 14-3932. Usually, the Court expects the estate to be completely administered and closed within six (6) months to one (1) year of the initial appointment of the Personal Representative.

**WARNING:** This is only an outline of some of your duties as Co-Personal Representatives. This *Order* does not describe all of your duties, and is not a substitute for obtaining professional legal advice. This is a general outline of your duties only. If you have any questions as Co-Personal Representatives, before taking any action, you should contact an attorney who handles probate estates to find out what to do.

Failure to obey a Court *Order* and the statutory provisions relating to this estate may result in your removal as Co-Personal Representatives and other penalties. In some circumstances, you may be held in contempt of court, punished by confinement in jail, fine or both. In addition, if you violate any of your fiduciary duties, you could be held personally liable for any losses for which you are responsible.

The Superior Court of Arizona in Maricopa County, Self-Service Center, has forms, instructions and procedures to help you with the Probate of an Informal Estate, and has a list of lawyers who can give you legal advice, and can help you on a task-by-task basis for a fee. The Self-Service Center is located at 101 West Jefferson, 4th Floor, East Court Building, Phoenix, Arizona, or 222 East Javelina, 1st Floor, Mesa, Arizona, or the same information is available on the Internet at:

<http://www.maricopa.gov/supcrt/ssc/sschome.html>.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Judge or Special Commissioner

#### ACKNOWLEDGMENT

The undersigned acknowledges receiving a copy of this order and agrees to be bound by its provisions, whether or not he or she read it before signing, as long as he or she is Personal Representative.

Bette Lou Prentice  
Signature of Personal Representative

Aug. 31, 2005  
Date

DYER & FERRIS  
3550 North Central  
Suite 1801  
Phoenix, AZ 85004-1449  
(602) 254-6006

Prentice, Leonard  
LAK/sjb August 29, 2005

Page - 7 -

RECEIVED  
CENTRAL FAX CENTER

OCT 03 2005

**DYER & FERRIS, LLC**  
3550 North Central Avenue  
Suite 1801  
Phoenix, Arizona 85012-2114  
(602) 254-6008

Charles J. Dyer, #02112  
Charles M. Dyer, #17994  
Scott R. Ferris, #16484  
Lynn A. Keeling, #15130  
Khalil C. Saigh, #19982

Attorney for Applicant  
**BETTE LOU PRENTICE**

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

In the Matter of the Estate of	}	NO. PB 2005-002592
<b>J. LEONARD PRENTICE,</b>		ORDER ADMITTING FORMAL
		PROBATE OF LAST WILL AND
Deceased.		APPOINTMENT OF PERSONAL REPRESENTATIVE

A Petition for formal Probate of Will and Appointment of Personal Representative has been submitted by **BETTE LOU PRENTICE**, requesting admission to probate of the Last Will and Testament of Decedent dated May 12, 2000, and the appointment of **BETTE LOU PRENTICE** as the Personal Representative to administer Decedent's Estate. The Court finds after proper notice and a hearing:

1. Decedent died on August 25, 2005, at the age of 91 years. At the time of death, Decedent was domiciled in Maricopa County, State of Arizona.
2. The original of Decedent's Will, dated May 12, 2000 is filed with this Application.
3. Decedent left surviving the following persons who are the surviving spouse, children, heirs and devisees of Decedent:

**DYER & FERRIS**  
3550 North Central  
Suite 1801  
Phoenix, AZ 85004-1449  
(602) 254-6008

Prentice, Leonard  
LAK/ks: September 1, 2005  
FAWORDPERACIENTPRENTICEDEFormal Probate Pleadings.wpd

Page - 4 -

**BEST AVAILABLE COPY**

- 1 a. BETTE LOU PRENTICE  
2 b. GALEN PRENTICE  
3 c. KAY COOPERMAN  
4 d. JAMIE STARBUCK

5 4. Venue for this proceeding is in this county because Decedent was a  
6 domiciliary of this county at the time of death.

7 5. No Personal Representative for Decedent's Estate has been appointed in this  
8 state or elsewhere.

9 6. The court finds compliance with A.R.S. §§ 14-3303 and 14-3308 and is  
10 satisfied that said Will is entitled to probate and that **BETTE LOU PRENTICE** is entitled to  
11 appointment as Personal Representative under all applicable provisions of A.R.S. Title 14, Chapter  
12 3, Article 3.

13 WHEREFORE the Court orders as follows:

14 A. The Will of **J. LEONARD PRENTICE**, dated May 12, 2000, is admitted  
15 to probate.

16 B. **BETTE LOU PRENTICE** is appointed as Personal Representative of  
17 Decedent's Estate without bond and Letters shall be issued upon said Personal Representative  
18 accepting.

19 C. The Personal Representative shall immediately notify the Court in these  
20 proceedings of any change in address and shall be responsible for all costs resulting from failure  
21 to do so.

22 DATED: \_\_\_\_\_

23

24

25

26

\_\_\_\_\_  
Commissioner

DYER & FERRIS  
3550 North Central  
Suite 1801  
Phoenix, AZ 85004-1449  
(602) 254-6008

Prentice, Leonard  
LAK/sjh August 29, 2005  
F:\WORDPERF\CLIENT\PRENTICE\PermanentPleadings\Informal pleadings.wpd

Page - 5 -


OCT 03 2005

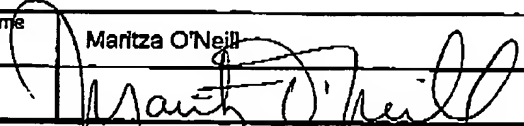
(04-04)

Approved for use through 07/31/2008. OMB 0551-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/828,773	
	Filing Date	April 20, 2004	
	First Named Inventor	Badredin Fatemizadeh	
	Art Unit	2826	
	Examiner Name	Fetsum Abraham	
Total Number of Pages in This Submission	10	Attorney Docket Number	112518.00005

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Robert D. Atkins, Reg. 34,288 - QUARLES & BRADY STREICH LANG LLP	
Signature		
Date	October 3, 2005	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Maritza O'Neill	
Signature		Date
		October 3, 2005

This collection of information is required by 37 CFR 1.5. (The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1861270